

THE DEMOCRATIC SENTINEL.

VOLUME 19, NO. 47.

CADIZ, OHIO, WEDNESDAY EVENING, MARCH 30, 1853.

TERMS, \$1.50

NEW SCHOOL LAW.

PUBLISHED BY AUTHORITY.

AN ACT to provide for the Reorganization, Supervision and Maintenance of Common Schools. Passed March 14th, A. D. 1853.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That hereafter each and every organized township in the State shall compose but one school district for all purposes connected with the general interests of education in the township, and shall be confided to the management and control of a board of education, and the several school districts and fractional parts thereof, which now are, or may hereafter be established in the several organized townships of the State, shall be regarded as sub-districts, and be confided to the management and control of local directors as hereinafter provided; but nothing contained in this act shall be so construed as to give to the township board of education, or to local directors in sub-districts, jurisdiction over any territory in the township included within the limits of any city or incorporated village with the territory annexed thereto for school purposes, which shall elect or appoint a board of education to be composed of not more than five members, who shall hold office for three years, and shall hold the office for two years, and the person receiving the next highest number of votes shall hold the office for one year; and each shall continue in office until his successor is elected and qualified. In case two or more persons are elected having received an equal number of votes, the duration of their respective terms of office shall be determined by lot in the presence of the chairman and secretary of the meeting, and annually thereafter in the same manner on the second Monday in April, there shall be elected in each sub-district of the proper township, one school director for the term of three years; and the minutes of the proceedings of any such sub-district meeting shall be signed by the chairman and secretary, and delivered to the directors who shall then be elected as aforesaid, to be recorded by the clerk in the records of the sub-district and the said clerk of the sub-district shall forthwith certify to the township clerk, the names of the local directors so elected, specifying the term for which each was elected; if the directors of any sub-district so elected shall deem it expedient, they may designate the specific hour of the day on which the annual election for such sub-district shall be held, and in such case shall cause five days' notice thereof in writing to be posted up in three of the most public places in such sub-district.

Sec. 3. The said directors, within five days after their election, shall take an oath or affirmation to support the constitution of the United States, and of the State of Ohio, and faithfully and impartially to discharge the duties of their office; which said oaths the directors are authorized to administer to each other. And in case a vacancy shall occur in the office of director, by death, resignation, refusal to serve, otherwise, it shall be the duty of the township clerk to fill such vacancy within ten days after being informed thereof by appointment for the unexpired term.

Sec. 4. If the qualified voters of any sub-district shall fail to meet and elect school directors, as prescribed in the second section of this act, it shall be lawful for any three qualified voters of such sub-district to call a special meeting of the voters of such sub-district, for the purpose of electing directors, on first giving five days' notice in writing of the time and place of holding such meeting, by posting the same in three of the most public places in such sub-district, and the directors so elected at such special meeting, shall hold their offices for the same term of time as if elected on the second Monday of April, as prescribed in said second section, except that their said terms of office shall be considered as having commenced on the second Monday of April next preceding the time of holding such special meeting.

Sec. 5. It shall be the duty of the directors, any two of whom shall constitute a quorum, to meet as soon as practicable after having been elected and qualified, at such place as may be most convenient in the sub-district, and organize by appointing one of their number clerk of the sub-district, who shall preside at the official meetings of the directors, and record their proceedings in a book to be provided for the purpose, together with the minutes of the proceedings of the annual school meetings held in the sub-district by the qualified voters thereof, which shall be a public record; and all such proceedings, when so recorded, shall be signed by the clerk of the proper sub-district. The directors may meet as frequently as they may think necessary for the transaction of business, and fill any vacancy in the office of clerk which may occur in the sub-district, or, in case of his absence, either of the other directors may officiate temporarily in his place.

Sec. 6. It shall be the duty of the school directors in each sub-district to take the management and control of its local interests and affairs, to employ teachers, to certify the amount due them for services to the township clerk, who shall draw an order on the township treasurer for the amount; and to dismiss any teacher, at any time, for such reasons as they may deem sufficient; and to visit the school or schools of the sub-district at least twice during each term by one or more of their number, with such other person or persons competent to examine pupils in their studies, as they may choose to invite.

Sec. 7. It shall be the duty of the directors, in their respective sub-districts to negotiate and make, under such rules and regulations as the township board of education may prescribe, all necessary contracts in relation to providing fuel for schools, repairing, building or furnishing school houses, purchasing or leasing school house sites, renting school rooms, and making all other provisions necessary for the convenience and prosperity of schools within their sub-districts; but no contracts shall be made by the directors, under the provisions of this section, for the payment of money from the township school fund applicable to such purposes, which in any one year shall exceed the amount distributable to the sub-district in proportion to the enumeration of scholars resident therein, without first obtaining the consent or order of a majority of the township board of education; and all contracts made by the local directors under the provisions of this section, shall be reported to the said board at their next meeting after the making of such contracts, and said township board of education in their corporate capacity, on the part of the sub-district, shall be held responsible for the performance thereof in each sub-district to take, or cause to be taken, annually, between the first and third Monday of October, an enumeration of all the unmarried white and colored youth, not being more than twenty-one years of age, residing within such sub-district and not temporarily there, designating between male and female, and return a certified copy thereof to the township clerk; and in case the directors in any sub-district shall fail to take and return the enumeration aforesaid, it shall be the duty of the township clerk to employ a competent person to take the same and allow him a reasonable compensation for his services, and shall proceed to recover the amount so paid for such services in a civil action, before any court having jurisdiction, in the name of the State of Ohio, against said directors in their individual capacity; and in such suits, said clerk shall be a competent witness; and the money so collected shall be applied to the use of common schools in the proper township. The township clerk shall make an abstract of the enumeration so returned to him, designating the number of youth in each sub-district, and transmit such abstract, duly certified, to the county auditor, within twenty days after the return made to him by the directors, or the person authorized to take such enumeration.

Sec. 8. If any civil township or part of a township composing a sub-district shall be partly situated in the Virginia Military District, the United States Military District, the Western Reserve, or in an original surveyed township or fractional township to which belongs any of section sixteen or other lands in lieu thereof, or any other lands for the use of schools or any interest in the proceeds of such school lands, the local directors shall, in taking the enumeration of youth resident within their jurisdiction, return separately those residing in the Virginia Military District, or United States Military District, or Western Reserve, or original surveyed township or fractional township to which belongs any school land or interest in the proceeds of school lands.

Sec. 9. The township board of education shall consist of the township clerk and of the local director from each sub-district of the township who has been appointed clerk in his sub-district, a majority of whom shall constitute a quorum for the transaction of business; and the clerk of the township shall be the clerk of the board, but shall not be entitled to a vote. It shall be the duty of the said clerk to be present at the meetings of the board, and to record in a book to be provided for the purpose, all their official proceedings, which shall be a public record open to the inspection of any person interested therein, and all such proceedings when so recorded shall be signed by the chairman and clerk.

Sec. 10. The said township board of education in each township of the State and their successors in office shall be a body politic and corporate in law, and as such may contract, plead and be impleaded in any court of law or equity in this State, and may receive any gift, grant, donation or devise made for the use of any school or schools within their jurisdiction; and moreover they shall be and hereby are invested in their corporate capacity with the title, care and custody of all school houses, school house sites, school libraries, apparatus or other property belonging to the school districts as now organized, or which may hereafter be organized, within the limits of their jurisdiction, with full power to control the same in such manner as they may think will best serve the interests of common schools and the cause of education; and when in the opinion of the board any school house or school house site has become unnecessary, they may sell and convey the same in the name of the township board of education of the proper township; such conveyance to be executed by the chairman and clerk of said board, and shall pay the avails over to the township treasurer of the proper township for the benefit of schools, and all conveyances of real estate which may be made to said board shall be said board in their corporate name and to their successors in office.

Sec. 11. It shall be the duty of the township board of education to hold regular meetings on the third Monday of April and on the third Monday of October in each year at the usual place of holding township elections, or at such place in the immediate neighborhood as may be convenient for the transaction of any business which may be necessary in relation to the subject of either the primary or graded schools of the township, with power to adjourn from time to time or to hold special meetings at any other time or place within the proper township as they may think desirable for the transaction of business as aforesaid, and at all such meetings shall appoint one of their number to the chair, and in case of the absence of the township clerk may appoint one of their own number to serve temporarily as clerk.

Sec. 12. The township board of education, shall have the management and control of all the central and high schools of their proper township which may be established therein under the authority of this act, with full power in respect to such schools, to employ, pay, and dismiss teachers, to build, repair and furnish the necessary school houses, purchase or lease sites therefor, or

rent suitable school-rooms, and make all other necessary provisions relative to such schools as they may deem proper; and it shall also be the duty of said board of education, to exercise all the powers conferred on local directors in respect to sub-district schools, whenever such local directors shall neglect to discharge their duties in any sub-district as required by this act; and it shall also be the further duty of said board to prescribe rules and regulations for the government of all the common schools within their jurisdiction; said board of education may provide for German schools for the instruction of such youth as may desire to study the German language, or the German and English languages together, and if the board shall deem it necessary, they may appoint one of their number the acting manager of schools for the township, who shall do and perform all such duties as the board may prescribe in relation to the management and supervision of the different schools, and the educational interests of the township, and may allow him a reasonable compensation for his services.

Sec. 13. The said board shall prepare, or cause to be prepared, a map of their township, as often as they deem necessary, on which shall be designated the sub-districts of the township, which they may change or alter at any regular session, and the number of scholars assigned to each; but no sub-district shall contain within its limits, less than sixty resident scholars by enumeration, except in cases where in the opinion of the board, it is necessary to reduce the number; and it shall be the duty of the board to establish a school in each sub-district of the township of such grade as the public good in their opinion may require; and in the location of primary schools, or schools of higher grade, the board shall have reference to population and neighborhood, paying due regard to any school-house already built, or site procured, as well as to all other circumstances proper to be considered so as to promote the best interests of schools.

Sec. 14. The board shall have power to assign such number of scholars to the several primary schools as they may think best, and when such assignment has been made, shall furnish the teacher a list of the scholars so assigned, and the board shall also have full power to regulate and control the admission of scholars to schools of a higher grade, according to age and attainments, and may admit scholars over twenty-one years of age, and may suspend, or authorize the local directors to suspend from the privileges of either of the schools, any pupil found guilty of disorderly conduct, which suspension shall not extend beyond the current session of the school.

Sec. 15. Whenever it shall happen that persons are situated as to be better accommodated at the school of an adjoining township, or whenever it may be desirable to establish a school composed of parts of two or more townships, it shall be the duty of the respective boards of the townships in which such persons reside, or in which such schools may be situated, or of the townships or parts of which the school may be composed, to transfer such persons for educational purposes to the township in which such school house is or may be located; but the enumeration of scholars shall be taken in each township as if no such transfer had been made, and such school when so composed shall be supported from the school funds of the respective townships from which the scholars may have been transferred; and the board of that township in which the school house is situated shall have the control and management of such school, and the board of the adjoining township or townships so connected for school purposes shall each make the proper estimates of their share of the expenses of every kind necessary to sustain said school, and certify the same to the auditor of their proper county as part of their annual estimate for school purposes, and draw orders on their respective township treasurers for such sum as will be in proportion to the enumeration of scholars so transferred, in favor of the board of that township in which such school is located, to be appropriated to the payment of teachers, and for other purposes connected with the establishment or maintenance of said school as far as applicable.

Sec. 16. The said board shall have power to determine the mode to be pursued and the school to be used in the several schools under their control, and shall make and enforce such rules and regulations relative to the use and preservation of the school libraries and apparatus as they may think advisable, and shall appoint, or authorize the local directors to appoint a suitable person to act as librarian and to take charge of the school apparatus, resident at some convenient place in the neighborhood where the school is kept, and may require such librarian to give bond for the faithful discharge of his duties, and allow him such compensation as they may think reasonable.

Sec. 17. It shall be the duty of the school teacher to make out and file with the township clerk at the expiration of each term of the school a full and complete report of the whole number of scholars admitted to the school during such term, distinguishing between male and female, the average attendance, the books used, the branches taught, the number of pupils engaged in the study of each of said branches, and such other statistics as may be required to make by the township board or local directors, and until such report shall have been certified and filed by the said teacher as aforesaid, it shall not be lawful for said board or local directors to pay said teacher for his or her services.

Sec. 18. The board of education in each township shall prepare or cause to be prepared and forwarded to the county auditor at the same time when the return of the enumeration of scholars is required to be made, a statement exhibiting the number of children in the township between the ages of five and twenty-one years, distinguishing between male and female, the number of schools, specifying the different grades, the number of teachers male and female, the number of children male and female who have attended school during the past year, the average attendance, the length of the terms of schools, compensation of teachers male and female, the number and condition of the school houses and furniture and the estimated value thereof; the number and condition of the books in the school libraries; the number of libraries; the kind of school books used in the schools; the number and value of school apparatus, and a full account of the expenditures for school purposes, together with such other statistics and information in relation to schools as the State commissioners of schools may require.

Sec. 19. Each township board of education shall have power, as hereinafter provided, to establish in their respective townships such number of graded schools, or such modifications of them as the public interests may require; and in case of the establishment of such graded school, it shall be the duty of the board so to classify the children of the townships as to secure to all as far as practicable an equitable participation in the advantages thereof, and the board shall designate the sub-districts by numbering them, and schools of a higher grade than primary shall be known by the appellation of central or high schools.

Sec. 20. Whenever in the opinion of the board of education it shall become necessary or desirable to provide one or more central or high schools in their respective townships, the said board shall estimate the probable cost thereof, and call a special meeting of the qualified voters of the township and who are not residents of any of the territory or districts named in the first section of this act, over which the jurisdiction of the township and local directors is excluded, at the usual place of holding elections, first giving twenty days notice of the time and object of holding such meeting, by posting the same in some public place in each of the several sub-districts of the township, in which notice the amount or rate of tax as estimated by the board shall be stated, and the electors when convened in pursuance of such notice shall decide by a majority of the votes cast, whether they will assent to any questions which may be deemed proper to be submitted to them, and the location of the building or buildings, or other provisions necessary for the establishment of any such school, and also the amount of township tax which may be levied for the purpose, and the chairman and clerk of the board shall be the chairman and clerk of the meeting, and the clerk shall record in the records of the board the action of the meeting, and the board shall be governed by the direction and vote of said meeting in relation to the subjects or matters so submitted.

Sec. 21. It shall be the duty of the board of education in any organized township of the State, annually, to determine by estimate as nearly as practicable, the entire amount of money necessary to be expended in the township for school purposes, other than for the payment of teachers, and also such additional amount as the board may think necessary, not exceeding two mills on the dollar valuation of the taxable property of the township, for the exclusive purpose of sustaining teachers in the central or high schools, or for the purpose of prolonging, after the State funds have been exhausted, the terms of several sub-districts or primary schools in the township, or for both purposes, as the board may judge best, which several amounts of money so estimated, the board shall make known by certificate in writing, on or before the first Monday in June each year, including any tax which may have been voted by a special meeting of electors as provided in the preceding section, to the auditor of the proper county, who shall thereupon assess the entire amount of such estimates on all taxable property of the township not included in any city or incorporated village or territory annexed thereto, forming any special district, to be entered by said auditor on the tax duplicate of the county and collected by the county treasurer at the same time and in the same manner as State and county taxes are collected; and when collected shall be paid over to the treasurer of the proper township on the order of the county auditor; and said county treasurer shall be entitled to receive for collection, one per cent. on all moneys by him collected for school purposes, and no more.

Sec. 22. The township board of education shall have power, when in their opinion justice and equity require it, to estimate separately the cost of purchasing a school house site and erecting or repairing a school house thereon, in any particular sub-district of the township wherein such school has been heretofore or hereafter established, and the burden of such taxation for such purposes, in comparison with other sub-districts in the township, and certify such portion as the township, and just and equitable of the amount of such estimate to the county auditor of the proper county, together with a map of the lands and names of taxpayers in such sub-district, which amount so certified shall be assessed by the auditor on the property therein in subject to taxation and placed on the county duplicate, specially, and be collected and paid over in the same manner as other school taxes, and be applied for the specific purpose of providing a school house in such sub-district.

Sec. 23. All school funds which may come into the hands of the township treasurer, from whatever source, shall be paid out only on the order of the clerk of the board of education, under the direction of the board; except in paying salaries for teachers, services, the said clerk may, on such certificates, presenting their certificates of qualification, and depositing with the clerk true copies thereof, draw the requisite orders on the treasurer for such amount as may have been certified to be due by any two of the local directors of the proper sub-district in which the teacher was employed; and so much of the school moneys coming into the hands of the treasurer, as may be derived from the state tax, or from any township tax levied for the continuation of schools after the state fund has been exhausted, shall be applicable only to the payment of teachers in the proper township, and shall be drawn for no other purpose whatever; and all school funds made applicable to the payment of teachers only, shall be distributed to the several sub-districts and fractional parts thereof, in the township, in proportion to the enumeration of scholars, with the exception of so much of the township tax as may have been levied and reserved for the board for sustaining teachers in the central or high schools; and such school funds as arise from the sale or rents of sections sixteen, or other lands in lieu thereof, shall be distributed to the localities to which such funds belong. All other school funds of the township, not raised for the central or high schools, nor made applicable to the payment of teachers, as aforesaid, shall be applied, under the direction of the board, in repairing, building, or furnishing school houses, in procuring school house sites, and

in making such other provisions for schools in the sub-districts of the proper township, as may in the opinion of the board be necessary; and each township board shall make the necessary provisions for continuing the schools in operation in their respective townships for at least seven months in each year.

Sec. 24. The clerk of the board of education, or any one or more of the board designated for that purpose, or the acting manager of schools of the township, may do and perform all such duties and services connected with the interests of schools as the board may direct, and report the same to the board for their action and approval; and it shall be the duty of the clerk of the board to keep a full record thereof in connection with the records of the other official proceedings of the board, and in case of failure to keep such record or other records required by this act, the clerk of the board shall be liable in a civil action for all loss or damages that may ensue to any person or persons or to the school district, in the name of such person or persons, or board of school directors, as the case may be, and shall moreover be liable on complaint filed in the name of the State of Ohio, before any justice of the peace or other court having jurisdiction, to a fine not exceeding one hundred dollars, which, when collected, shall be paid over to the treasurer of the proper township for the benefit of schools.

Sec. 25. It shall be the duty of the board of education to make settlement with the township treasurer at their regular session in April annually; but if for want of time or other reason a settlement cannot be made at said session, then it shall be the duty of the board to appoint a committee composed of one or more of their own members to make such settlement as soon as practicable, and report the result to the clerk of the board, who shall record an abstract thereof in the records of the board.

Sec. 26. The township treasurer in each township shall be treasurer of all school funds for school purposes belonging to the township, arising from whatever sources, and on his election and before entering upon the duties of office he shall give bond with sufficient security in double the probable amount of money that shall come into his hands, payable to the State of Ohio, to be approved by the trustees of the township, conditioned for the faithful discharge of his duties, according to law of all such funds as shall from time to time come into his hands, and on the forfeiture of such bond, it shall be the duty of the township clerk to prosecute and collect the same for the use of the schools in the township; if such township clerk shall neglect or refuse so to prosecute, then any freeholder may cause such prosecution to be instituted.

Sec. 27. Before the county auditor shall issue to the township treasurer any order on the county treasurer for the payment of any school funds belonging to the township, such township treasurer shall furnish the auditor with a certificate from the township clerk, that such treasurer has executed and filed with him a bond, and also stating the amount of said bond; and the auditor shall in no case permit the township treasurer to have in his hands, at one time an amount of school funds over one-half the amount of the penalty in such bond; and the township trustees shall allow the township treasurer a compensation equal to one per cent. on all school funds disbursed by him, to be paid on the order of the trustees out of the township treasury.

Sec. 28. The township treasurer shall annually between the first and twentieth of February, settle with the county auditor and account to him for all moneys received; from whom and on what account, and the amount paid out for school purposes in his township; the auditor shall examine the vouchers for such payments, and if satisfied with the correctness thereof, shall certify the same, which certificate shall be prima facie evidence of the truth of the same; and at the expiration of his term of service, said treasurer shall deliver over to his successor in office, all books and papers with all moneys or other property in his hands belonging to said township, or the schools therein, and also all orders he may have redeemed since his last annual settlement with the county auditor, and take the receipt of his successor, and he shall deposit with the township clerk within ten days thereafter, a true and correct copy of his annual settlement, and he shall be entitled to receive the sum of one dollar, to be paid out of the county treasury on the order of county auditor.

Sec. 29. In case the township treasurer shall fail to make such annual settlement within the time, as prescribed in the preceding section, he shall be liable to pay a fine of fifty dollars, to be recovered in a civil action in the name of the State of Ohio, and when collected, to be applied to the use of common schools in the proper township; and it is hereby made the duty of the county auditor, to proceed forthwith in case of such failure by suit against such treasurer, before any justice of the peace of the county, to recover the penalty aforesaid; but when it shall appear on trial to the satisfaction of said justice, that said treasurer was prevented from making such settlement within the time prescribed, by sickness, or unavoidable absence from home, and that such settlement has since been actually made, it shall be lawful for the justice to discharge such treasurer on payment of costs.

Sec. 30. The township boards of education in this State, in their respective townships, and the several other boards of education, and the trustees, visitors, and directors of schools, or other officers having authority in the premises, of each city or incorporated village, shall be, and they are hereby authorized and required to establish within their respective jurisdictions, one or more separate schools for colored children, when the whole number by enumeration exceeds thirty, so as to afford them as far as practicable under all the circumstances, the advantages and privileges of a common school education; and all such schools so established for colored children shall be under the control and management of the board of education, or other school officers who have in charge the educational interests of the other schools; but in case the average number of colored children in attendance shall be less than fifteen for any one month, it shall be the duty of said board of education, or other school officers, to discontinue said school or schools for any period not exceeding

six months at any one time; and if the number of colored children shall be less than fifteen, the directors shall reserve the money raised on the number of said colored children, and the money so reserved shall be appropriated for the education of such colored children under the direction of the township board.

Sec. 31. Each city or incorporated village, including the territory annexed to the same for school purposes, not otherwise specially regulated by charter or governed as to schools by laws as specified in the sixth, seventh sections of this act, and which, with the territory annexed, contains not less than three hundred inhabitants, shall be, and hereby is created a separate school district; and the qualified voters of such city or village, with the territory annexed, shall at the same time and in the same manner that local directors of the sub-districts of the township are elected by the provisions of this act, proceed to elect three persons who shall constitute a board of education for such city or village with the territory so annexed, and such board shall have the same powers, perform the same duties and be subject to the same penalties as township boards of education; provided, that by agreement between the board of education of the township in which such city or village with the territory annexed may be situated, and the board of education of such city or village with the territory annexed, transfers of territory not within the limits of such corporation may be made to or from the districts provided for in this section.

Sec. 32. That said board of education in any city or incorporated village, shall be authorized, when they think it advisable, to divide such city or village into sub-districts; and they may establish schools of different grades, and ordain such rules and regulations for the government and discipline of such schools as they may think conducive to the public good; and it shall be lawful for the township board of education in any township in which such city or incorporated village is situated, by and with the consent of the board of education of any such city or incorporated village, to transfer portions of their respective townships as lie adjacent thereto, and all such transfers shall be controlled and such schools supported in the same manner and on the same principles as in case of like transfers for the convenience of schools where two or more townships adjoin, as provided in this act.

Sec. 33. In all such cities or incorporated villages, the clerk or recorder of such incorporated body, shall be clerk of the board of education, and he shall do and perform all the duties required of the clerk of a township board of education, and such other duties as the board of education may, from time to time, prescribe; and all orders of the board of education for the payment of money shall be countersigned by the clerk or recorder of said corporation, and it shall be the duty of the treasurer of such city or incorporated village, to receive and disburse the school funds of such city or village, in the same manner as is required of the township treasurers in their respective townships, and for his services shall be entitled to the same compensation; provided, that the board of education shall require the treasurer to enter into a bond as required of township treasurers, and that the said treasurer shall furnish the auditor a certificate from the clerk or recorder of such city or incorporated village, that such treasurer has executed and deposited such bond, stating also the amount, as is required of township treasurers in similar cases.

Sec. 34. The board of education of any city or incorporated village, shall have and may exercise all the powers which are by this act conferred upon the township boards of education, and shall do and perform the like duties in all respects as far as applicable, and the school funds shall be divided among the sub-districts so as to make the distribution as nearly equitable as possible. All taxes for building, purchasing, repairing or furnishing school houses and lots shall be equally assessed on all the property subject to taxation in such city or incorporated village, and the board of education in extending the same shall make the necessary provisions for the sub-districts.

Sec. 35. In any district or sub-district composed in whole or in part of any city or incorporated village, the board of education may, at their discretion, provide a suitable number of evening schools, for the instruction of such youth, over twelve years of age, as are prevented by their daily avocation from attending day schools, subject to such regulations as said board, from time to time may adopt for the government thereof.

Sec. 36. The auditor of state shall, annually, apportion the common school funds among the different counties, upon the enumeration and returns made to him by the state commissioner of common schools, and certify the amount so apportioned to the county auditor of each county, stating from what sources the same is derived, which said sum the several county treasurers shall retain in their respective treasuries from the state funds; and the county auditors shall, annually, and immediately after their annual settlement with the county treasurer, apportion the school funds for their respective counties, according to the enumeration and returns in their respective offices; and no township or other district, city or village, which shall have failed to make and return such enumeration, shall be entitled to receive any portion of the common school funds. And in making such distribution, each county auditor shall apportion all moneys collected on the tax duplicate of any township, for the use of schools, to such township; all moneys received from the state treasury, on account of interests on the money accruing from the sale of section sixteen, or other lands in lieu thereof, to the civil townships and parts of civil townships in the original surveyed township, or fractional township to which such land belongs; all moneys received by the county treasurer on account of the Virginia Military School fund, United States Military District, and Connecticut Western Reserve, according to laws regulating the same; and all other moneys for the use of schools in the county, and not otherwise appropriated by law, to the proper township; and he shall, immediately after making said apportionment, enter the same in a book to be kept for that purpose, and shall furnish the township treasurers and township clerks, treasurers and recorder of incorporated cities or villages, as the case may be, each with a copy of said apportion-

ment, and give an order on the county treasurer to each township treasurer, or to such treasurer, as may be entitled to receive the same, for the amount of money belonging to his respective township, city or village, and take a receipt from such treasurer for the amount so received; and the said county auditor shall collect, or cause to be collected, the fines and all other moneys for school purposes, in his county, and pay the same over to the county treasurer; and he shall inspect all accounts of interests for section sixteen, or other school lands, whether the interest is paid by the State or by the debtors, and take all the proper measures to secure to each township its full amount of school funds.

Sec. 37. When any original surveyed township in which section sixteen has been sold, shall lie in two or more counties, the auditors of the respective counties shall certify to the auditor of the county in which that portion of said township lies containing said section sixteen, the enumeration of the scholars in that part of said township embraced within their respective counties; and the auditor of said county in which said section sixteen is situated shall apportion the fund derived from said section sixteen to the different portions of said township according to said enumeration, and shall certify to the auditors of the other counties the amount belonging to the parts of said township situated in their respective counties, and draw an order in favor of the treasurers of the other counties on the treasurer of his own county for the amount going to each; and the auditors of the respective counties shall apportion the same, in their respective counties, to such portions or parts thereof as may be entitled thereto.

Sec. 38. The interest on the purchase of any such section sixteen belonging to any original surveyed township, so as aforesaid lying in two or more counties, shall be paid over on the order of the auditor of that county in which such section sixteen is embraced, to the treasurer of the same county, to be apportioned as is pointed out in the preceding section.

Sec. 39. The auditor of each and every county shall, on or before the twentieth day of December, annually, make out and transmit to the commissioner of common schools, at Columbus, an abstract of all the returns of school statistics made to him from the several townships in his county, according to the form that may be prescribed by the state commissioner; and he shall cause to be distributed all such circulars, blanks, and other papers, including school laws and documents, in the several townships in the county as said commissioner shall lawfully require. In case the county auditor shall fail, from any cause, to make return of the abstract as aforesaid, it shall be the duty of the county commissioners to deduct for every such failure, from the annual salary or allowance made to the auditor for his services, the sum of fifty dollars.

Sec. 40. The county commissioners of each county in this state shall make the same allowance to the county auditors, for services performed and expenses incurred under this act, as is allowed for other services of like nature.

Sec. 41. The township clerks and county auditors shall be responsible for all losses sustained by any township or county, by reason of any failure or their respective parts to make and return the enumerations and abstracts thereof as herein provided, and shall each be liable for the same, in a civil action, at the suit of the State of Ohio; and the amounts so recovered shall be apportioned in the same manner as the school funds would have been to the respective counties or townships, as the case may be.

Sec. 42. Each and every lot or parcel of land which heretofore has been or hereafter shall be appropriated for the use of common schools in this State, on which there has been or shall be a school-house erected, and which has been or shall be occupied for the purpose of accommodating a common school of whatever grade, in the usual manner, from time to time, however or by whomsoever the legal title to the same may have been vested, shall be and the same is hereby exempted from sale, on any execution, or other writ, or order, in the nature of an execution; provided, that the lot of land so exempted, shall not exceed four acres, and if there be any excess, that portion most convenient for school purposes shall remain exempt; as aforesaid, to be determined by the proper school directors, or other officers having charge of school.

Sec. 43. It shall be the duty of the state judge in the several counties of the State, soon after the election of school officers under the provisions of this act as practicable, to appoint a county board of school examiners, to consist of three competent persons, resident in the county, who shall hold their office for the term of two years, and until their successors are appointed; and all vacancies in said board which may thereafter occur, whether from expiration of the term of office, refusal to serve, or otherwise, shall be filled by like appointment by said judge.

Sec. 44. It shall be the duty of the examiners to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties as, in their opinion, best accommodate the greatest number of candidates for examination; notice of all such meetings having been published in some newspaper of general circulation in their respective counties, and at such meetings, any two of said board shall be competent to examine applicants and grant certificates; but no fee of charge shall be made for a certificate. No certificate of qualification shall be valid in any county except that in which the examination took place, nor for a longer period than two years; and if at any time the recipient of the certificate shall be found incompetent or negligent, the examiners, or any two of them, may revoke the same, and require such teacher to be dismissed; but such teacher shall be entitled to receive payment for services only up to the time of such dismissal; and no person shall be employed as a teacher in any primary common school, unless such person shall have first obtained from said examiners, or any two of them, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography and English grammar; and it is also made the duty of the examiners to examine school officers of higher grade, or the shall obtain a certificate of the requisite qualifi-

cations, and give an order on the county treasurer to each township treasurer, or to such treasurer, as may be entitled to receive the same, for the amount of money belonging to his respective township, city or village, and take a receipt from such treasurer for the amount so received; and the said county auditor shall collect, or cause to be collected, the fines and all other moneys for school purposes, in his county, and pay the same over to the county treasurer; and he shall inspect all accounts of interests for section sixteen, or other school lands, whether the interest is paid by the State or by the debtors, and take all the proper measures to secure to each township its full amount of school funds.

Sec. 45. When any original surveyed township in which section sixteen has been sold, shall lie in two or more counties, the auditors of the respective counties shall certify to the auditor of the county in which that portion of said township lies containing said section sixteen, the enumeration of the scholars in that part of said township embraced within their respective counties; and the auditor of said county in which said section sixteen is situated shall apportion the fund derived from said section sixteen to the different portions of said township according to said enumeration, and shall certify to the auditors of the other counties the amount belonging to the parts of said township situated in their respective counties, and draw an order in favor of the treasurers of the other counties on the treasurer of his own county for the amount going to each; and the auditors of the respective counties shall apportion the same, in their respective counties, to such portions or parts thereof as may be entitled thereto.

Sec. 46. The interest on the purchase of any such section sixteen belonging to any original surveyed township, so as aforesaid lying in two or more counties, shall be paid over on the order of the auditor of that county in which such section sixteen is embraced, to the treasurer of the same county, to be apportioned as is pointed out in the preceding section.

Sec. 47. The auditor of each and every county shall, on or before the twentieth day of December, annually, make out and transmit to the commissioner of common schools, at Columbus, an abstract of all the returns of school statistics made to him from the several townships in his county, according to the form that may be prescribed by the state commissioner; and he shall cause to be distributed all such circulars, blanks, and other papers, including school laws and documents, in the several townships in the county as said commissioner shall lawfully require. In case the county auditor shall fail, from any cause, to make return of the abstract as aforesaid, it shall be the duty of the county commissioners to deduct for every such failure, from the annual salary or allowance made to the auditor for his services, the sum of fifty dollars.

Sec. 48. The county commissioners of each county in this state shall make the same allowance to the county auditors, for services performed and expenses incurred under this act, as is allowed for other services of like nature.

Sec. 49. The township clerks and county auditors shall be responsible for all losses sustained by any township or county, by reason of any failure or their respective parts to make and return the enumerations and abstracts thereof as herein provided, and shall each be liable for the same, in a civil action, at the suit of the State of Ohio; and the amounts so recovered shall be apportioned in the same manner as the school funds would have been to the respective counties or townships, as the case may be.

Sec. 50. Each and every lot or parcel of land which heretofore has been or hereafter shall be appropriated for the use of common schools in this State, on which there has been or shall be a school-house erected, and which has been or shall be occupied for the purpose of accommodating a common school of whatever grade, in the usual manner, from time to time, however or by whomsoever the legal title to the same may have been vested, shall be and the same is hereby exempted from sale, on any execution, or other writ, or order, in the nature of an execution; provided, that the lot of land so exempted, shall not exceed four acres, and if there be any excess, that portion most convenient for school purposes shall remain exempt; as aforesaid, to be determined by the proper school directors, or other officers having charge of school.

Sec. 51. It shall be the duty of the state judge in the several counties of the State, soon after the election of school officers under the provisions of this act as practicable, to appoint a county board of school examiners, to consist of three competent persons, resident in the county, who shall hold their office for the term of two years, and until their successors are appointed; and all vacancies in said board which may thereafter occur, whether from expiration of the term of office, refusal to serve, or otherwise, shall be filled by like appointment by said judge.

Sec. 52. It shall be the duty of the examiners to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties as, in their opinion, best accommodate the greatest number of candidates for examination; notice of all such meetings having been published in some newspaper of general circulation in their respective counties, and at such meetings, any two of said board shall be competent to examine applicants and grant certificates; but no fee of charge shall be made for a certificate. No certificate of qualification shall be valid in any county except that in which the examination took place, nor for a longer period than two years; and if at any time the recipient of the certificate shall be found incompetent or negligent, the examiners, or any two of them, may revoke the same, and require such teacher to be dismissed; but such teacher shall be entitled to receive payment for services only up to the time of such dismissal; and no person shall be employed as a teacher in any primary common school, unless such person shall have first obtained from said examiners, or any two of them, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography and English grammar; and it is also made the duty of the examiners to examine school officers of higher grade, or the shall obtain a certificate of the requisite qualifi-

cations, and give an order on the county treasurer to each township treasurer, or to such treasurer, as may be entitled to receive the same, for the amount of money belonging to his respective township, city or village, and take a receipt from such treasurer for the amount so received; and the said county auditor shall collect, or cause to be collected, the fines and all other moneys for school purposes, in his county, and pay the same over to the county treasurer; and he shall inspect all accounts of interests for section sixteen, or other school lands, whether the interest is paid by the State or by the debtors, and take all the proper measures to secure to each township its full amount of school funds.

Sec. 53. When any original surveyed township in which section sixteen has been sold, shall lie in two or more counties, the auditors of the respective counties shall certify to the auditor of the county in which that portion of said township lies containing said section sixteen, the enumeration of the scholars in that part of said township embraced within their respective counties; and the auditor of said county in which said section sixteen is situated shall apportion the fund derived from said section sixteen to the different portions of said township according to said enumeration, and shall certify to the auditors of the other counties the amount belonging to the parts of said township situated in their respective counties, and draw an order in favor of the treasurers of the other counties on the treasurer of his own county for the amount going to each; and the auditors of the respective counties shall apportion the same, in their respective counties, to such portions or parts thereof as may be entitled thereto.

Sec. 54. The interest on the purchase of any such section sixteen belonging to any original surveyed township, so as aforesaid lying in two or more counties, shall be paid over on the order of the auditor of that county in which such section sixteen is embraced, to the treasurer of the same county, to be apportioned as is pointed out in the preceding section.

Sec. 55. The auditor of each and every county shall, on or before the twentieth day of December, annually, make out and transmit to the commissioner of common schools, at Columbus, an abstract of all the returns of school statistics made to him from the several townships in his county, according to the form that may be prescribed by the state commissioner; and he shall cause to be distributed all such circulars, blanks, and other papers, including school laws and documents, in the several townships in the county as said commissioner shall lawfully require. In case the county auditor shall fail, from any cause, to make return of the abstract as aforesaid, it shall be the duty of the county commissioners to deduct for every such failure, from the annual salary or allowance made to the auditor for his services, the sum of fifty dollars.

Sec. 56. The county commissioners of each county in this state shall make the same allowance to the county auditors, for services performed and expenses incurred under this act, as is allowed for other services of like nature.

Sec. 57. The township clerks and county auditors shall be responsible for all losses sustained by any township or county, by reason of any failure or their respective parts to make and return the enumerations and abstracts thereof as herein provided, and shall each be liable for the same, in a civil action, at the suit of the State of Ohio; and the amounts so recovered shall be apportioned in the same manner as the school funds would have been to the respective counties or townships, as the case may be.

Sec. 58. Each and every lot or parcel of land which heretofore has been or hereafter shall be appropriated for the use of common schools in this State, on which there has been or shall be a school-house erected, and which has been or shall be occupied for the purpose of accommodating a common school of whatever grade, in the usual manner, from time to time, however or by whomsoever the legal title to the same may have been vested, shall be and the same is hereby exempted from sale, on any execution, or other writ, or order, in the nature of an execution; provided, that the lot of land so exempted, shall not exceed four acres, and if there be any excess, that portion most convenient for school purposes shall remain exempt; as aforesaid, to be determined by the proper school directors, or other officers having charge of school.

Sec. 59. It shall be the duty of the state judge in the several counties of the State, soon after the election of school officers under the provisions of this act as practicable, to appoint a county board of school examiners, to consist of three competent persons, resident in the county, who shall hold their office for the term of two years, and until their successors are appointed; and all vacancies in said board which may thereafter occur, whether from expiration of the term of office, refusal to serve, or otherwise, shall be filled by like appointment by said judge.

Sec. 60. It shall be the duty of the examiners to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties as, in their opinion, best accommodate the greatest number of candidates for examination; notice of all such meetings having been published in some newspaper of general circulation in their respective counties, and at such meetings, any two of said board shall be competent to examine applicants and grant certificates; but no fee of charge shall be made for a certificate. No certificate of qualification shall be valid in any county except that in which the examination took place, nor for a longer period than two years; and if at any time the recipient of the certificate shall be found incompetent or negligent, the examiners, or any two of them, may revoke the same, and require such teacher to be dismissed; but such teacher shall be entitled to receive payment for services only up to the time of such dismissal; and no person shall be employed as a teacher in any primary common school, unless such person shall have first obtained from said examiners, or any two of them, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography and English grammar